

REFERENCE TITLE: school crossings; signs

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2388

Introduced by
Representative Biggs

AN ACT

AMENDING SECTION 28-797, ARIZONA REVISED STATUTES; RELATING TO SCHOOL CROSSINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-797, Arizona Revised Statutes, is amended to
3 read:

4 28-797. School crossings; civil penalty; assessment; definition

5 A. The director,~~—~~ with respect to state highways, ~~or~~ the ~~officer,~~
6 ~~COUNTY board or commission of the appropriate jurisdiction, OF SUPERVISORS~~
7 with respect to county highways or ~~THE GOVERNING BODY OF A CITY OR TOWN WITH~~
8 ~~RESPECT TO~~ city or town streets, by and with the advice of the school
9 district governing board, ~~or county school superintendent~~ may mark or cause
10 to be marked by the department or local authorities crosswalks in front of
11 each school building or school grounds abutting the ~~crosswalks~~ LOCATIONS
12 where children are required to cross the highway or street.

13 B. The department or local authorities may approve additional
14 crossings across highways not abutting on school grounds on application of
15 school authorities and with written satisfactory assurance given the
16 department or local authorities that guards will be maintained by the school
17 district at the crossings to enforce the proper use of the crossing by school
18 children.

19 C. The manual prescribed in section 28-641 shall provide for yellow
20 marking of the school crossing, yellow marking of the center line of the
21 roadway and the erection of portable signs indicating that vehicles must stop
22 when persons are in the crossing. The manual shall also provide the type and
23 wording of portable signs indicating that school is in session and that the
24 civil penalty for a violation of this section will be doubled when the signs
25 are present and permanent signs that warn of the approach to school
26 crossings.

27 D. When the school crossings are established, school authorities shall
28 place within the highway the portable signs indicating that school is in
29 session. This placement shall be not more than three hundred feet from each
30 side of the school crossing. In addition, portable ~~—~~ SIGNS INDICATING THAT
31 ~~THE DRIVER SHALL~~ stop when children are in ~~THE~~ crosswalk~~—~~~~signs~~ shall be
32 placed at school crossings. School authorities shall maintain these signs
33 when school is in session and shall cause them to be removed ~~immediately when~~
34 ~~WITHIN ONE HOUR AFTER THE END OF A~~ school ~~is not in~~ session.

35 E. Notwithstanding any other law:

36 1. An agency of appropriate jurisdiction may establish a school
37 crossing on an unpaved highway or street adjacent to a school when the agency
38 determines the need for the school crossing on the basis of a traffic study.
39 School crossings on unpaved highways and streets shall be marked by the use
40 of signs as prescribed in the manual prescribed in section 28-641.

41 2. A local authority may establish a school crossing at an
42 intersection containing a traffic control signal if the local authority
43 determines the need for a school crossing on the basis of a traffic study.

1 F. A vehicle approaching the ~~crosswalk~~ SCHOOL CROSSING shall not
2 proceed at a speed of more than fifteen miles per hour between the portable
3 signs placed on the highway indicating THAT THERE SHALL BE NO PASSING, THAT
4 ~~school IS in session~~ and ~~THAT THE DRIVER SHALL~~ stop when children are
5 in ~~THE crosswalk~~.

6 G. When a school authority places and maintains the required portable
7 SIGNS INDICATING THAT THERE SHALL BE NO PASSING, ~~THAT~~ school IS in
8 session~~signs~~ and ~~THAT THE DRIVER SHALL~~ stop when children are in ~~THE~~
9 crosswalk~~signs~~, all vehicles shall come to a complete stop at the school
10 crossing when the crosswalk is occupied by a person.

11 H. A vehicle approaching the crosswalk shall not proceed at a speed of
12 more than fifteen miles per hour between the portable signs placed on the
13 highway indicating THAT THERE SHALL BE NO PASSING, ~~THAT~~ school IS in
14 session~~signs~~, ~~THAT THE DRIVER SHALL~~ stop when children are in ~~THE~~ crosswalk~~signs~~
15 and ~~THAT THE civil penalty will be doubled~~ DOUBLE.

16 I. When a school authority places and maintains the required portable
17 SIGNS INDICATING THAT THERE SHALL BE NO PASSING, ~~THAT~~ school IS in
18 session~~signs~~, ~~THAT THE DRIVER SHALL~~ stop when children are in ~~THE~~
19 crosswalk~~signs~~ and ~~THAT THE civil penalty will double~~~~signs~~, all
20 vehicles shall come to a complete stop at the school crossing when a person
21 is in the crosswalk.

22 J. If a person is found responsible for a violation of subsection F or
23 G of this section, the person is subject to a civil penalty.

24 K. If a person is found responsible for a violation of subsection H or
25 I of this section, the person is subject to a civil penalty and shall pay an
26 additional assessment equal to the amount of the civil penalty. The
27 additional assessment is not subject to any surcharge.

28 L. The court shall collect the additional assessment imposed pursuant
29 to subsection K of this section at the same time the court collects the civil
30 penalty. Partial payments of the total amount due pursuant to this
31 subsection shall be divided according to the proportion that the civil
32 penalty, the penalty assessments levied pursuant to sections 12-116.01 and
33 12-116.02 and the additional assessment imposed pursuant to this section
34 represent of the total amount due. The court and the department shall treat
35 failure to pay the additional assessment imposed pursuant to this subsection
36 in the same manner as failure to pay a civil penalty, including taking action
37 against the person's driver license or permit or privilege to drive pursuant
38 to sections 28-1601, 28-3153 and 28-3305.

39 M. If a person is found responsible pursuant to subsection K of this
40 section in a justice court or superior court, the court shall transmit monies
41 received to pay the additional assessment to the county treasurer. If a
42 person is found responsible pursuant to subsection K of this section in a
43 municipal court, the court shall transmit the monies received to pay the
44 additional assessment to the city treasurer. The city or county treasurer

1 shall deposit the monies received to pay the additional assessment in a fund
2 to pay for costs related to enforcement of this section.

3 N. For the purposes of this section, "school IS in session", when used
4 either in reference to the period of time or to signs, means during school
5 hours or while children are going to or leaving school during opening or
6 closing hours.